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Open letters

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SCHOOL OF HUMANITIES | TILBURG LAW SCHOOL

Open Letter

Dear Ministers,
Dear Vice President Baroness Ashton,
Dear Commissioner Cecilia Malmström,

Date
6 October 2013

Subject
*Lampedusa and
EU Asylum Policy*

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The General Assembly High-level Dialogue on Migration and Development on 3 – 4 October coincided with the dramatic loss of life of at least 300 refugees in European waters, off the Italian coast. The EU must respond to this dramatic event, so as to uphold the values of human dignity and human rights as the basis of its foundation.

We would like to draw your attention to the particular aspect that many of the victims are from Eritrea. Eritrean communities in Europe and elsewhere are grieving their loss.

The UN sanctions against Eritrea converge with EU Member States' assessments that Eritrea is governed by a ruthless dictatorship, and that the violations of human rights are the cause of the refugee-crisis that has emerged. UNHCR registers monthly 3000 refugees, but the CIA estimates that as many as 5000 refugees leave Eritrea every month, despite a shoot-to-kill policy at the border. The majority of these refugees are absorbed in Africa, while a small proportion travels North.

In Sinai, Egypt, Sudan, Yemen and Libya the refugees are subject to the dangers of kidnapping, human trafficking and torture. Basic safety is lacking. Provisions or adequate provisions for access to asylum are lacking. The refugees are placed in detention centres, malnourished and without any prospects. This is the background against which Eritrean refugees try to cross over the Mediterranean Sea to Europe.

In response to this crisis it should be emphasised that the obligation to protect refugees should be upheld by the EU at all times. The following points follow from this obligation:

1. The majority of Eritrean refugees are legitimate asylum-seekers who must receive access to an adequate asylum procedure in the EU;
2. The majority of Eritreans arrive in Greece, Malta and Italy; greater solidarity among European Member States is needed to absorb these refugees across Europe;
3. The Dublin Convention is often cause for Eritreans to be transferred to subsequent EU Member States who do not take responsibility for their asylum application, consequently they risk to be detained in EU Member States;
4. All deportations of Eritreans should be stopped on the ground of danger of persecution at home;
5. Frontex should operate within the boundaries of international refugee law;
6. Increased monitoring of small boats in the Mediterranean Sea should be accompanied by measures to ensure boats and people reach the European shore in safety;
7. Cooperation with North African countries must be legal and transparent and in full adherence of international refugee law.

The serious and well documented violations of human rights and fundamental governance principles in Eritrea should be ground to invoke art 96 and art 97 of the Cotonou Agreement on the suspension of cooperation with the EU.

We sincerely hope that a package of measures will be adopted by the EU that leads to upholding the rights and dignity of people who find themselves trapped in such circumstances beyond their control.

Sincerely yours,



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Professor in
International
Social Responsibility



Prof.Dr.Erik Borgman
Professor in
Public Theology



Dr. Conny Rijken
Professor in
International and
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